



Water Act 1948 ^{F1} (repealed 1.12.1991)

1948 CHAPTER 22 11 and 12 Geo 6

An Act to amend the Water Act 1945, and for purposes connected therewith. [24th March 1948]

Textual Amendments

- F1** The outstanding provisions of this Act were repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3, 4(2), **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

Modifications etc. (not altering text)

- C1** Act extended by [London Government Act 1963 \(c. 33\)](#), s. 40, **Sch. 11 Pt. I paras. 1,2**
- C2** References to statutory water undertakers as such to be construed as references to water authorities, statutory water companies, joint water boards and joint water committees, and to no other body: [Water Act 1973 \(c. 37\)](#), s. **11(6)**
- C3** This Act has not been revised to 1.2.1991. Its outstanding provisions were repealed (with saving) with effect from 1.12.1991 by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58) and [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3** (with s. 2, Sch. 2 paras. 10, 14(1), 15). It is available as last published in Statutes in Force (revised to 1.8.1980)

1 **F2**

Textual Amendments

- F2** Ss. 1, 2(4) repealed by [Water Act 1973 \(c. 37\)](#), **Sch. 9**

Changes to legislation: There are currently no known outstanding effects for the Water Act 1948 (repealed 1.12.1991). (See end of Document for details)

[^{F3}2 **Combination of certain orders under Principal Act.**

- (1) Subject to the provisions of this section, an order under section twenty-three of the principal Act, made on the application of persons who propose to become statutory water undertakers and authorising those persons to supply water, may provide—
- (a) for transferring to the applicants, whether by agreement or compulsorily, the undertaking or part of the undertaking of any water undertakers, whether statutory or not;
 - (b) ^{F4}
 - (c) ^{F5}
- (2) Subject to the provisions of this section, an order under section nine of the principal Act, providing for the constitution of a joint board or joint committee of two or more statutory water undertakers or for the amalgamation of the undertakings or parts of the undertakings of two or more statutory water undertakers, may make provision, in relation to the undertakers constituted by the order, for any purpose authorised by the last foregoing subsection in relation to the applicants for an order under section twenty-three of the principal Act, and may provide—
- (a) for authorising the undertakers to construct, acquire by agreement, alter or continue, and to maintain, waterworks and works connected therewith;
 - (b) for authorising the undertakers to raise capital or borrow money for any purposes of their water undertaking.
- (3) An order under section twenty-three or section nine of the principal Act which makes provision for any purpose authorised by this section may contain such incidental, consequential and supplementary provisions as the Minister thinks necessary or expedient for that purpose, including provisions for the amendment or repeal of any local enactment and for the transfer of property and liabilities:
 Provided that no such order shall, except as provided by section three of this Act, empower the undertakers to acquire compulsorily any land, or shall vary . . . ^{F6} the amount of compensation water required by any enactment to be discharged into any water course or the periods during which or the manner in which such compensation water is required to be discharged.
- (4) ^{F7}
 - (5) ^{F8}
- (6) Notwithstanding anything in section twenty-three of the principal Act, paragraph 8 of the First Schedule to that Act (which provides that in certain circumstances an order shall be subject to special parliamentary procedure) shall apply to any order under that section which makes provision for any of the matters specified in subsection (1) of this section.]

Textual Amendments

- F3** Ss. 2, 3, 4(1), 7-11, 14, 15, Sch. repealed (with saving) (1.9.1989) by Water Act 1989 (c. 15, SIF 130), ss. 190(3), 194(3), **Sch. 27**, Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F4** S. 2(1)(b) repealed by Water Act 1973 (c. 37), **Sch. 9**
- F5** S. 2(1)(c) repealed by Water Resources Act 1963 (c. 38), s. 136(4), **Sch. 14 Pt. II**
- F6** Word repealed by Water Resources Act 1963 (c. 38), s. 136(4), **Sch. 14 Pt. II**
- F7** Ss. 1, 2(4) repealed by Water Act 1973 (c. 37), **Sch. 9**

Changes to legislation: There are currently no known outstanding effects for the Water Act 1948 (repealed 1.12.1991). (See end of Document for details)

F8 S. 2(5) repealed by Water Resources Act 1963 (c. 38), s. 136(4), **Sch. 14 Pt. II**

[^{F9}3 Compulsory acquisition of land for construction of waterworks.

- (1) Subject to the provisions of this section, an order under section twenty-three or section nine of the principal Act authorising any persons to construct or alter waterworks or works connected therewith may authorise those persons to acquire compulsorily any land required for the construction or alteration of those works, being land which they could be so authorised to acquire by means of a compulsory purchase order made under section twenty-four of the principal Act, or under that section as amended by the ^{M1}Acquisition of Land (Authorisation Procedure) Act 1946 as the case may be.
- (2) The provisions of the Schedule to this Act shall have effect in relation to an order under the said section twenty-three or the said section nine which authorises any such acquisition as aforesaid.]

Textual Amendments

F9 Ss. 2, 3, 4(1), 7-11, 14, 15, Sch. repealed (with saving) (1.9.1989) by Water Act 1989 (c. 15, SIF 130), ss. 190(3), 194(3), **Sch. 27**, Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

Marginal Citations

M1 1946 c. 49.

[^{F10}4 Supply of Water in bulk

- (1) Subsection (1) of section twelve of the principal Act (which authorises the making of agreements between statutory water undertakers and other persons for the supply of water in bulk) shall have effect as if for the words “Any statutory water undertakers may enter into an agreement with any other persons” there were substituted the words “An agreement may be made between any statutory water undertakers and any other persons”.]

(2) **F11**

Textual Amendments

F10 Ss. 2, 3, 4(1), 7-11, 14, 15, Sch. repealed (with saving) (1.9.1989) by Water Act 1989 (c. 15, SIF 130), ss. 190(3), 194(3), **Sch. 27**, Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

F11 S. 4(2)–(4) repealed by Water Act 1973 (c. 37), **Sch. 9**

Modifications etc. (not altering text)

C4 The text of s. 4(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

5 Amendments of s. 14 of the principal Act.

(1) **F12**

Changes to legislation: There are currently no known outstanding effects for the Water Act 1948 (repealed 1.12.1991). (See end of Document for details)

^{F13}(4)

Textual Amendments

- F12** s. 5(1)–(3) repealed by [Water Resources Act 1963 \(c. 38\)](#), s. 136(4), **Sch. 14 Pt. II**
- F13** S. 5(4) repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3(1), 4(2), **Sch. 3, Pt. 1** (with [Sch. 2](#), paras. 10, 14(1), 15)

^{F14}6

Textual Amendments

- F14** S. 6 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3(1), 4(2), **Sch. 3, Pt. 1** (with [Sch. 2](#), paras. 10, 14(1), 15)

[^{F15}7 **Amendments of s. 42 of the principal Act.**

- (1) Subsection (1) of section forty-two (which requires statutory water undertakers being companies to prepare annual abstracts of the accounts of their undertakings) shall have effect as if the words “in such form as the Minister may direct,” were omitted, and as if at the end of the subsection there were added the following paragraph :—

“The Minister may give directions as to the form of the abstracts to be prepared by statutory water undertakers under this subsection, and such directions may be given either in relation to any particular undertakers or in relation to all undertakers of any specified class.”

- (2) Subsection (2) of the said section forty-two (which requires such undertakers as aforesaid to transmit to the Minister and to certain local authorities copies of the abstracts prepared under that section) shall have effect as if after the word “certified” there were inserted the words “and a copy of the balance sheet of the undertakers for the year to which the abstract relates.”]

Textual Amendments

- F15** Ss. 2, 3, 4(1), 7-11, 14, 15, Sch. repealed (with saving) (1.9.1989) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 190(3), 194(3), **Sch. 27, Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26](#) paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

Modifications etc. (not altering text)

- C5** The text of ss. 5(4), 6, 7, 11(1)–(4), 14(5)(7) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

[^{F16}8 **Power to survey and search for water on land proposed to be purchased.**

- (1) The Minister may, on application made to him by any . . . ^{F17} statutory water undertakers who propose to acquire any land for the purposes of their water

Changes to legislation: There are currently no known outstanding effects for the Water Act 1948 (repealed 1.12.1991). (See end of Document for details)

undertaking or proposed water undertaking, authorise them to survey that land in accordance with the provisions of this section:

Provided that notice of any such application shall be given by the . . . ^{F17} undertakers to the owner and occupier of the land, and the Minister shall, before giving his authority under this subsection, consider any representations made to him by any such owner or occupier within fourteen days after the receipt of the notice.

- (2) Where any . . . ^{F17} statutory water undertakers are authorised as aforesaid to survey any land under this section, any officer of the . . . ^{F17} undertakers authorised for the purpose shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable hours to enter on and survey the land; and section forty-eight of the principal Act (which makes provision with respect to the exercise of certain powers of entry conferred by that Act) shall apply to any right of entry conferred by this section.
- (3) The power to survey land conferred by this section shall include power to carry out experimental borings or other works for the purpose of ascertaining the nature of the sub-soil or the presence of underground water therein, or the quality or quantity of such water, and to reinstate the land after carrying out any such works:
Provided that a person shall not carry out any works authorised by this subsection on land which is occupied unless at least twenty-four hours notice of his intention so to do has been given to the occupier of the land; and if the land is held by any statutory undertakers and those undertakers object to the proposed works on the ground that the carrying out thereof would be seriously detrimental to the carrying on of their undertakings, the works shall not be carried out except with the authority of the appropriate Minister.
- (4) Where any land on which entry is made in pursuance of this section is damaged in the exercise of any power thereby conferred, any person interested in the land may recover compensation in respect of that damage from the . . . ^{F17} undertakers on whose behalf the entry was effected; and where in consequence of the exercise of such a power any person is disturbed in his enjoyment of any land, he may recover compensation in respect of the disturbance from . . . ^{F17} those undertakers.
- (5) If any damage or injury is caused by the escape of water from any land on which works have been carried out in pursuance of this section (not being damage in respect of which compensation is payable under the last foregoing subsection) nothing in this section shall be construed as exonerating the . . . ^{F17} undertakers on whose behalf the works were carried out from any liability in respect of that damage to which they would be subject if the works had been carried out otherwise than in the exercise of statutory powers.
- (6) Any question of disputed compensation under subsection (4) of this section shall be determined by arbitration in the manner provided by section ninety-one of the Third Schedule to the principal Act.
- (7) ^{F18}]

Textual Amendments

F16 Ss. 2, 3, 4(1), 7-11, 14, 15, Sch. repealed (with saving) (1.9.1989) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 190(3), 194(3), [Sch. 27](#), Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

F17 Words repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)